

**ADOPTION SEMINAR  
MICHIGAN JUDICIAL INSTITUTE  
TUESDAY, SEPTEMBER 9, 2003**

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GOOD AFTERNOON. FOR THOSE OF YOU WHO HAVE NOT BEEN HERE BEFORE, WELCOME TO THE MICHIGAN HALL OF JUSTICE. THANK YOU FOR BEING WITH US TODAY TO HEAR FROM THE EXPERTS AND SHARE YOUR KNOWLEDGE WITH ONE ANOTHER. I APPRECIATE YOUR ATTENDANCE AT THIS SEMINAR AND YOUR PASSION FOR THE PLIGHT OF CHILDREN IN OUR STATE.

I SEE SOME FAMILIAR FACES HERE TODAY. FIRST, LET ME RECOGNIZE THE MEMBERS OF THE ADOPTION WORK GROUP PANEL WHO ARE HERE TODAY. EARLIER TODAY, FIA DIRECTOR NANNETTE BOWLER AND I PUBLICLY THANKED THE WORK GROUP FOR THEIR REPORT AND ALL THE EFFORT, TIME, AND EXPERTISE THAT WENT INTO IT. YOU'LL HEAR FROM SOME OF THE WORK GROUP MEMBERS DURING THE PANEL DISCUSSION, BUT I WOULD LIKE TO THANK KAREN TIGHE, CHIEF JUDGE OF THE BAY COUNTY PROBATE COURT; JEAN HOFFMAN, ACTING DIRECTOR OF OFFICE OF CHILD AND FAMILY, FAMILY INDEPENDENCE AGENCY; AND LAURAN HOWARD OF THE 6<sup>TH</sup> CIRCUIT COURT FAMILY DIVISION. I'D ALSO LIKE TO RECOGNIZE AND THANK MY SPECIAL ASSISTANT ON FOSTER CARE AND ADOPTION ISSUES, DEBRA GUTIERREZ-McGUIRE, WHO IS ALSO ON THE DISCUSSION PANEL. SHE HAS BEEN WORKING FULL TIME IN THIS AREA SINCE MID-JULY. SHE'S BEEN A DYNAMO. I'M SO IMPRESSED BY HER ENERGY AND INSIGHTS.

I'M NOT GOING TO STEAL THE PANELISTS' THUNDER BY TALKING ABOUT THEIR REPORT. I WILL SAY THAT I THINK IT IS A VERY THOUGHTFUL DOCUMENT. THE WORK GROUP'S RECOMMENDATIONS WILL BE PART OF A GLOBAL APPROACH TO THE DIFFICULT ISSUES WE SEE IN FOSTER CARE/TPR/AND THE ADOPTION PROCESS.

I'D ALSO LIKE TO RECOGNIZE TWO PEOPLE WHO, BY THEIR PRESENCE, SHOW THE SERIOUSNESS OF THEIR COMMITMENT TO CHILDREN'S ISSUES, AND THEY ARE REPORTERS JACK KRESNAK OF THE DETROIT FREE PRESS AND KIM KOZLOWSKI OF THE DETROIT NEWS. JACK, OF COURSE, HAS BEEN REPORTING ON CHILDREN'S ISSUES FOR MANY YEARS AS PART OF THE FREE PRESS' "CHILDREN FIRST" SERIES. KIM HAS ALSO DONE A FINE JOB IN HER REPORTING OF CHILD SUPPORT ISSUES. WELCOME TO YOU BOTH. WE SHOULD BE GLAD AND GRATEFUL THAT THE STATE'S TWO LARGEST DAILIES ARE COMMITTED TO THIS LEVEL OF

## EDUCATION AND COVERAGE OF CHILDREN'S ISSUES.

IF YOU'VE HAD A MOMENT TO LOOK OVER THE WORK GROUP'S REPORT, YOU MAY HAVE SEEN MENTION OF THE FIRST-EVER MICHIGAN ADOPTION DAY, TO BE HELD TUESDAY, NOVEMBER 25, TWO DAYS BEFORE THANKSGIVING. THIS WILL BE THE FIRST TIME MICHIGAN HAS EVER HELD A STATEWIDE EVENT TO CELEBRATE ADOPTIONS, AND IT IS A JOINT EFFORT BETWEEN THE SUPREME COURT AND FIA. OUR PLAN IS TO HAVE AS MANY COURTS AS POSSIBLE FINALIZE ADOPTIONS ON THAT DAY. SOME OF THE COURTS ARE GOING TO HOLD PARTIES FOR THE FAMILIES AFTERWARD. WE HOPE THIS EVENT WILL DRAW ATTENTION, NOT ONLY TO NEEDED CHANGES IN THE ADOPTION PROCESS, BUT TO THE NUMBER OF CHILDREN AVAILABLE FOR ADOPTION. AS THE WORK GROUP REPORT POINTS OUT, OUR STATE HAS MANY CHILDREN IN FOSTER CARE AS A RESULT OF CHILD PROTECTIVE PROCEEDINGS. WE HAVE HUNDREDS OF CHILDREN WHO LACK PERMANENT HOMES, AND WE NEED TO STRIKE DOWN THE BARRIERS, BE THEY UNNECESSARY COURT DELAYS, ADMINISTRATIVE EXPENSES, OR OTHER FACTORS THAT STAND BETWEEN CHILDREN AND PERMANENT PLACEMENTS.

HERE ARE SOME NUMBERS THAT SHOULD GIVE US ALL PAUSE FOR THOUGHT: AS OF JULY 31, 2003, 12,673 CHILDREN WERE TEMPORARY WARDS OF THE COURT AS A RESULT OF CHILD PROTECTIVE PROCEEDINGS. AS OF THAT SAME DATE, A TOTAL OF 19,490 CHILDREN WERE IN FOSTER CARE. AT THE END OF FISCAL YEAR 2002, MICHIGAN HAD 4,615 PERMANENT STATE WARDS AVAILABLE FOR ADOPTION; 2,833 ADOPTIONS WERE FINALIZED IN FY 2002.

SO, THIS EXPLAINS MY COMMERCIAL FOR MICHIGAN ADOPTION DAY. WE REALLY NEED YOU TO HELP US GET THE WORD OUT ABOUT THESE CHILDREN AND THE PROCESS ITSELF. WE ALREADY HAVE 12 COUNTIES SIGNED UP TO PARTICIPATE: ALPENA, CHARLEVOIX, GENESEE, GRAND TRAVERSE, JACKSON, KALAMAZOO, MIDLAND, OAKLAND, OTTAWA, SAGINAW, TUSCOLA AND WAYNE. IF YOUR COURT HAS NOT COMMITTED ALREADY, PLEASE CONSIDER PARTICIPATING. MARCIA MCBRIEN IS STANDING RIGHT OVER THERE AND WOULD BE MORE THAN HAPPY TO SIGN YOU UP, SO PLEASE TALK TO HER IF YOU HAVE ANY QUESTIONS ABOUT ADOPTION DAY.

SO MUCH OF WHAT IS UNDER DISCUSSION TODAY AFFECTS PROCEEDINGS ON THE TRIAL COURT LEVEL. I'D LIKE TO GIVE YOU A QUICK UPDATE ON WHAT THE APPELLATE COURTS HAVE BEEN DOING IN THE ADOPTION ARENA.

IN SEPTEMBER 2002, AT THE SUPREME COURT'S DIRECTION, THE COURT OF APPEALS FORMED A WORK GROUP ON DELAYS IN DEPENDENCY APPEALS -- TERMINATION OF PARENTAL RIGHTS OR A DISPUTE OVER CHILD CUSTODY. IN ITS INITIAL REPORT, THE WORK GROUP POINTED OUT THAT IN 2001, ON AVERAGE, SUCH DEPENDENCY APPEALS WERE DISPOSED OF IN 325 DAYS FROM FILING IN THE COURT OF APPEALS. THE COURT OF APPEALS HAS CUT THAT TIME TO 274 DAYS. THE WORK GROUP'S MAY 2003 REPORT, HOWEVER, RECOGNIZES THAT "THE OVERALL AVERAGE TIME TO DISPOSITION IS STILL NOT ACCEPTABLE." THE WORK GROUP'S RECOMMENDATIONS INCLUDE STIFFER DEADLINES FOR APPOINTING ASSIGNED COUNSEL, ORDERING TRANSCRIPTS, AND FILING THE CLAIM OF APPEAL, ALL IN AN EFFORT TO REDUCE THE TIME IT TAKES FOR THE COURT OF APPEALS TO DECIDE A DEPENDENCY APPEAL.

AT THE SUPREME COURT, WE ADOPTED NEW RULES, WHICH WENT INTO EFFECT ON SEPTEMBER 1, THAT PLACE A 28-DAY LIMIT ON THE TIME TO APPEAL A TERMINATION OF PARENTAL RIGHTS DECISION FROM THE COURT OF APPEALS TO THE SUPREME COURT. THE STAFF COMMENT TO THE RULES PUTS IT VERY WELL: THE REDUCED TIME TO APPEAL IS "IN RECOGNITION OF THE ADVERSE CONSEQUENCES OF DELAY ON THE CHILDREN INVOLVED IN SUCH CASES." ANOTHER NEW RULE ELIMINATES DELAYED APPLICATIONS FOR LEAVE TO APPEAL TO THE SUPREME COURT IN ALL CASES. OUR COURT RECOGNIZED THAT PERMITTING SUCH LATE APPLICATIONS ONLY ADDED ANOTHER LAYER OF DELAY IN CASES INVOLVING CHILDREN.

THESE CHANGES AND PROPOSED CHANGES ARE NOT VERY POPULAR WITH MANY OF THE PEOPLE WHO PRACTICE BEFORE THE APPELLATE COURTS. WHILE RECOGNIZING THAT SHORTENED DEADLINES AND OTHER CONSTRAINTS MAKE IT LESS EASY FOR ATTORNEYS TO DO THEIR JOBS, I THINK WE HAVE TO RECOGNIZE THAT THESE DEPENDENCY CASES ARE VERY MUCH LIKE CASES ON DEATH ROW, WHICH IS WHY CHIEF JUDGE WHITBECK AND I PERSONALLY MONITOR THE STATUS OF THESE CASES. LIFE OR DEATH IS REALLY AT STAKE HERE — MAYBE NOT DEATH, BUT A RUINED LIFE. WHEN SO MUCH IS AT RISK, THE COURTS ARE NOT ONLY ENTITLED, BUT OBLIGATED, TO SET AND ENFORCE THESE STRICTURES.

ONCE AGAIN, WELCOME.

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